

Attachment 7



U.S. Department of Justice

Office of Special Counsel

Washington, D.C. 20530

February 1, 2023

Honorable Mark Langer
Clerk of the Court
U.S. Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW, Room 5205
Washington, DC 20001

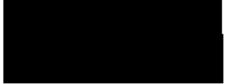
Re: *In re Sealed Case*, No. 23-3001

Dear Mr. Langer:

After Representative Scott G. Perry and the General Counsel of the House of Representatives filed motions for the House to obtain access to the sealed record in this case, the government informed the Court that it intended to file a motion in the district court requesting partial unsealing of the documents that Rep. Perry identified as those that he believes would be sufficient to permit the House to determine whether to participate in this appeal as *amicus curiae*. The district court ordered the unsealing of the documents identified in the government's motion, with redactions, and the government has provided the order and the redacted documents to Todd Tatelman, Deputy General Counsel of the House of Representatives. The district court's order is attached. The government is prepared upon request to provide the Court with the redacted documents listed in the order as well. The district court's order giving the House access to these documents should make the broader, untargeted unsealing previously sought by Rep. Perry and the House unnecessary.

The government respectfully requests that you provide this letter to the panel that will rule on the motions filed by Rep. Perry and House Counsel.

Respectfully submitted,

By: /s/ John M. Pellettieri
John M. Pellettieri
Assistant Special Counsel


cc: John P. Rowley, Esq.
John S. Irving, Esq.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE SEARCH OF
THE FORENSIC COPY OF THE CELL
PHONE OF REPRESENTATIVE SCOTT
PERRY

Case No. 22-sc-2144

Chief Judge Beryl A. Howell

UNDER SEAL

ORDER

Upon consideration of the government's Motion for Limited Unsealing ("Gov't's Mot."), ECF No. 34, which explains that respondent Representative Scott Perry has appealed this Court's order, dated December 28, 2022, to the U.S. Court of Appeals for the District of Columbia Circuit and that pending in the same matter before the appellate court is Rep. Perry's motion "to permit House counsel and certain associated individuals to access the sealed record in the matter before this Court in order to determine whether to participate as amicus curiae," and a motion by Counsel to the United States House of Representatives "to access the sealed record . . . to determine whether to participate as amicus curiae," Gov't's Mot. at 1, and **FINDING** that the government has satisfied the requirements for disclosure of a grand jury matter, pursuant to FED. R. CRIM. P. 6(e)(3)(E)(i), *see McKeever v. Barr*, 920 F.3d 842, 850 (D.C. Cir. 2019) (holding that "the district court has no authority outside of Rule 6(e) to disclose grand jury matter"); *see also In re Capitol Breach Grand Jury Investigations Within D.C.*, 339 F.R.D. 1, 23 (D.D.C. 2021) (outlining requirements for disclosure of grand-jury matter preliminarily to or in connection with a judicial proceeding); *United States v. Sells Eng'g, Inc.*, 463 U.S. 418, 443 (1983) (construing Rule 6(e)(3)(E)(i) "to require a strong showing of particularized need for grand jury materials before any disclosure will be permitted"), it is hereby—

ORDERED that the government's Motion for Limited Unsealing, ECF No. 25, is **GRANTED IN PART** and **DENIED IN PART**; it is further

ORDERED that the government's proposed redactions as to page 1 of the Court's November 4, 2022, Memorandum and Order, ECF No. 18, *see Gov't's Mot., Ex. 4, ECF No. 34-5*, is **DENIED**, with further disclosure required on page 1 as follows: (1) in the first paragraph, disclose the first sentence and the accompanying citation; (2) also in the first paragraph, disclose the last two sentences; it is further

ORDERED that the government's proposed redactions as to documents docketed at ECF Nos. 13, 15, 17, 19, 21, 24, 25, 27, 27-1, 29, 30, 31, and ECF No. 18 at pages 2–13, *see Gov't's Mot., Exs. 1-12, ECF Nos. 34-2 through 34-13*, are **GRANTED**; it is further

ORDERED that the government disclose, by February 1, 2023 at 5:00 PM, this Order and the redacted versions of the documents identified above and referenced in the table below to Todd Tatelman, Acting General Counsel for the United States House of Representatives; it is further

ORDERED that Mr. Tatelman is authorized to provide this Order and the redacted documents outlined above, and in the table below, to the following individuals:

- The Honorable Kevin McCarthy, Speaker of the House;
- The Honorable Steve Scalise, Majority Leader;
- The Honorable Tom Emmer, Majority Whip;
- The Honorable Hakeem Jeffries, Democratic Leader;
- The Honorable Katherine Clark, Democratic Whip;
- Sarah E. Clouse, Associate General Counsel;
- Brooks M. Hanner, Associate General Counsel;
- [REDACTED], Law Clerk, Office of General Counsel;

- [REDACTED] Law Clerk, Office of General Counsel;
- Machalagh Carr, General Counsel to Speaker McCarthy;
- Ashley Callen, Counsel to Majority Leader Scalise;
- Jason Rogers, Counsel to Majority Whip Emmer;
- Zoe Oreck, Counsel to Democratic Leader Jeffries; and
- Diana Rudd, Senior Counsel to Democratic Whip Clark; it is further

ORDERED that the attorneys of record shall restrict disclosure of this proceeding, including disclosure of any papers and orders filed in this proceeding, to their clients and to those individuals adjudged by the attorneys as necessary to litigate the issues presented; and it is further

ORDERED that any person to whom disclosure is made in accordance with this Order be provided with a copy of this Order.

TABLE OF REDACTED DOCUMENTS FOR DISCLOSURE

ECF No.	Date	Description
13	10/27/2022	Government's Brief Regarding the Inapplicability of the Speech or Debate Clause to Materials Seized from Rep. Perry
15	10/31/2022	Rep. Perry's Response to the Government's Brief Regarding the Applicability of the Speech or Debate Clause
17	11/02/2022	Government's Reply Brief Regarding the Inapplicability of the Speech or Debate Clause to Materials Seized from Rep. Perry
18	11/04/2022	Memorandum Opinion and Order
19	11/14/2022	Government's Objections to Rep. Perry's Privilege Assertions
21	11/28/2022	Rep. Perry's Motion for Non-disclosure.
24	12/28/2022	Order granting in part and denying in part Rep. Perry's Motion for Non-Disclosure
25	12/28/2022	Memorandum Opinion

27	12/30/2022	Rep. Perry's Motion to Stay
27-1	12/30/2022	Rep. Perry's Memorandum in Support of his Motion to Stay
29	01/03/2022	Government's Opposition to Rep. Perry's Motion to Stay
30	01/04/2023	Rep. Perry's Reply to the Government's Opposition to his Motion to Stay
31	01/04/2023	Order denying Motion to Stay

SO ORDERED.

Date: January 31, 2023



A handwritten signature in black ink that reads "Beryl A. Howell".

BERYL A. HOWELL
CHIEF JUDGE